

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

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Rosa Ann Watson, and Samuel Mack)
Watson,)
)
Plaintiffs,)
)
vs.)
)
Michael J. Astrue, Commissioner of)
Social Security Administration,)
)
Defendants.)
_____)

C.A. No. 0:07-4059-TLW-GCK

ORDER

The Plaintiffs brought this *pro se* civil action pursuant to 42 U.S.C. § 405(g) on December 18, 2007, to obtain judicial review of the final decision of Michael J. Astrue, Commissioner of Social Security. This matter is now before the undersigned for review of the Report and Recommendation ("the Report") filed April 4, 2008, by United States Magistrate Judge George Kosko, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge Kosko recommends that the complaint in this case be dismissed without prejudice and without issuance and service of process. On April 15, 2008, the Plaintiffs filed objections to the Report.

This Court is charged with reviewing the Magistrate's Report and the Petitioner's objections thereto. In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report

or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of this standard, the Court has carefully reviewed, de novo, the Report, the objections thereto, and the remainder of the record, and has concluded that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. #19), and this action is **DISMISSED**.

IT IS SO ORDERED.

S/ Terry L. Wooten

TERRY L. WOOTEN

UNITED STATES DISTRICT JUDGE

July 22, 2009

Florence, South Carolina